



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Ronald "Ron" Clark, Ward 5
William "Bill" J. Martin, Ward 6

Monday, December 17, 2012

6:00 PM

City Hall Council Chambers

Present: J. K. Lowman, James A. Mills, William "Bill" J. Martin, Ronald "Ron" Clark

Absent: Susan Grant and G. Marshall Dye

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Kyethea Clark, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Chairman Mills called the December 17, 2012 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20121204

File #20121204 – November 19, 2012 Review and Approval of the November 19, 2012 Board of Zoning Appeals Meeting Minutes.

Public hearing was held.

Mr. Lowman moved to accept the November 19, 2012 Board of Zoning Appeals Meeting Minutes as submitted, seconded by Mr. Martin. Motion carried 4-0.

A motion was made by Board member J. K. Lowman, seconded by Board member William "Bill" Martin, that this matter be Approved and Finalized.

The motion carried by the following vote: 4 – 0.

Absent: 2 – Board members Dye and Grant

VARIANCES:

20121180

File #20121180 (V2012-48) was presented by Mr. Roth for property located in Land Lot 09260, District 16, Parcel 0060 and being known as 1394 Cobb Industrial Way.

Public hearing was held.

Mr. David Wilkins, owner of D & N Investors, LLC. presented the request for variances to allow him to construct an addition to expand the building footprint located on the subject property. Back in 2006, Mr. Wilkins noted that he was the business owner at the time and the previous property owner had requested and received approval of variances to construct an addition, but construction didn't happen and he is here resubmitting with some changes.

Mr. Wilkins addressed staff's report where staff recommends approval of variance requests 1, 2, and 4, and denial of variance request 3, with a recommendation that the property owner combine the two abutting properties. Mr. Wilkins explained that he is not in favor of joining the two properties, because they have two separate lienholders/lenders, and he would prefer not to have to go through the process and expense of refinancing the two properties.

Mr. Martin asked Mr. Wilkins if he was concerned about having two different lienholders, and is that why he objects to combining the properties?

Mr. Wilkins explained that when he purchased the neighboring lot he initially purchased it to store materials and containers. He went on to explain that he met with Public Works staff and it was concluded that there are numerous challenges with trying to build on the neighboring lot.

Mr. Mills made a motion to approve variance requests as submitted, seconded by Mr. Martin. The rationale being that granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

Motion carried 4-0.

Absent: 2 – Board members Dye and Grant

NEW BUSINESS:**20121207 *Review and Approval of the 2013 Board of Zoning Appeals Calendar***

File #20121207, 2013 Board of Zoning Appeals Calendar

Mr. Mills made a motion to approve the calendar, with a revision to the date of the February 2013 meeting; seconded by Mr. Lowman.

The motion carried by the following vote: 4-0

Absent: 2 – Board members Dye and Grant

ADJOURNMENT:

Chairman Mills adjourned the Board of Zoning Appeals Meeting at 6:20 p.m.

JAMES A. MILLS, CHAIRMAN

KYETHEA CLARK, URBAN PLANNER